

Adopt Proposed Article Title.

Article 10.

Maintenance, Use, and Occupancy Requirements Violations, Abatement, and Hearings.

Adopt Proposed Section 1600 as Section 2600.

§ 2600 [1600] Application and Scope.

(a) The substandard conditions and abatement requirements contained in this article shall apply to parks, permanent buildings or structures in parks, units, accessory buildings or structures, and building components wherever they are located both within and outside of parks in all parts of the state.

The provisions of this article shall apply to

(a) The use, maintenance and occupancy of mobile home parks and lots within those parks.

(b) The use, maintenance and occupancy of mobile homes, recreational vehicles, and mobile home accessory buildings and structures wherever located.

1634 (b) Existing construction, connections, and installations made before the effective date of the requirements of this subchapter may continue in use so long as they were in compliance with requirements in effect at the date of their installation and are not found to be unsafe.

NOTE: Authority cited: Sections 18865 and 18872, Health and Safety Code. Reference: Sections 18865, 18866.3, 18866.5 and 18872, Health and Safety Code.

Adopt Proposed Section 1605 as Section 2605.

§ [1640] 2605. Substandard Permanent Buildings.

(a) Any permanent building, structure, or portion thereof, or the premises on which it is located, shall be deemed substandard and a nuisance when in which there exists any of the following listed conditions exist to an extent that endangers the life, limb, health, property, safety, or welfare of the occupants or the public, or the occupants thereof shall be deemed and hereby is declared to be substandard.

(b)(a) Health hazards or inadequate sanitation shall which include, but are not be limited to, the following:

(1) Improper Where required, the lack of, or inoperable, or defective water closet, lavatory, bathtub or shower.

(2) Improper Where required, the lack of, or inoperable, or defective kitchen sink.

(3) Lack of, or inadequate hot and cold running water to plumbing fixtures.

(8)(4) Dampness of habitable rooms.

(9)(5) Infestation of insects, vermin or rodents.

(10)(6) General dilapidation or improper maintenance.

(11)(7) Lack of, or defective connection of plumbing fixtures to a sewage disposal system.

(12)(8) Lack of adequate garbage and rubbish storage and removal facilities.

(e)(b) Structural hazards, which shall include, but are not be limited to, the following:

(1) Deteriorated or inadequate foundations.

(2) Defective or deteriorated flooring or floor supports.

(3) Flooring or floor supports of insufficient size to carry imposed loads with safety.

(4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.

(6) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

(8) Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.

(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

~~(b)(6)~~ (10) Lack of minimum amounts of required natural light and ventilation.

~~(d)(c)~~ Any ~~n~~Nuisance as defined in subsection 2002.

(d) Electrical hazards which shall include, but are not limited to, the following:

~~(e)(1)~~ All electrical equipment or installations wiring except that which conformed that either did not conform with all applicable laws and regulations in effect at the time of its installation, and which or has not been maintained in good and safe condition, or and is not being used in a safe manner.

~~(b)(7)(2)~~ Lack of, or inoperable or defective required electrical lighting.

~~(f)(e)~~ All ~~p~~Plumbing ~~except that which conformed~~ did not conform with all applicable laws and regulations in effect at the time of its installation, and which has not been maintained in good or safe condition, and which is free of or has cross connections and siphonage between fixtures.

~~(g)(f)~~ All ~~m~~Mechanical equipment, including heating equipment and its vents, except that which conformed which did not conform with all applicable laws and regulations in effect at the time of its installation and which has not been maintained in good and safe condition, and is not being used in a safe manner.

~~(b)(4)~~ (1) ~~Improper~~ Inoperable or defective heating facilities.

~~(b)(5)~~ (2) ~~Improper operation of required~~ Inoperable or defective ventilating equipment.

~~(h)(g)~~ Faulty weather protection, which ~~shall~~ includes, but is not ~~be~~ limited to, the following:

(1) Deteriorated roofs.

(2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.

(3) Defective or lack of weather protection for exterior wall coverings.

(4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.

~~(i)(h)~~ Any building, structure, or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

~~(j)(i)~~ All ~~m~~Materials ~~of or~~ construction ~~except those which are specifically not~~ allowed or approved by this article chapter and or which have not been adequately maintained in good and safe condition.

~~(k)(j)~~ Those premises on which an accumulation of weeds, vegetation, rubbish, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

~~(l)(k)~~ All buildings, structures, mobile homes, recreation vehicles, or portions thereof not provided with adequate exit facilities as required by this article chapter, except those buildings or portions thereof whose exit facilities conformed with all applicable laws and regulations at the time of their construction, and which have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy. ~~When an unsafe condition exists through lack of, or improper location of exits, additional exits may be required to be installed.~~

~~(l)(4)(l)~~ All buildings, structures, or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems of equipment required by this article chapter, except those buildings, structures, or

portions thereof which conformed with all applicable laws and regulations at the time of their construction ~~and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.~~

(m) All buildings, structures, or portions thereof occupied for living sleeping, cooking, or dining purposes which are not designed or intended to be used for such occupancies.

(n) Room and space dimensions less than required by this ~~article~~ chapter.

NOTE: Authority cited: Section 18865, Health and Safety Code. Reference: Section 18863.4, 18866.3, 18866.5, 18873, 18873.1, 18873.2, 18873.3, 18873.4 and 18873.5, Health and Safety Code.

Adopt Section 2606.

§ 2606. Substandard Manufactured Home or Mobilehome.

The provisions in section 1606, chapter 2 of this division is applicable to substandard manufactured homes and mobilehomes.

NOTE: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18871, 18871.10 and 18872, Health and Safety Code.

Adopt Proposed Section 1607 as Section 2607.

§ ~~[1706]~~ 2607. Substandard Recreational Vehicle.

~~(a) General.~~ Any recreational vehicle shall be deemed substandard and a nuisance when ~~where there exists~~ any of the following ~~listed~~ conditions exist to an extent that endangers the life, limb, health, property, safety, or welfare of the occupants or the public, ~~or the occupants thereof shall be deemed and hereby declared to be a substandard recreational vehicle.~~

~~(b)~~(a) Health hazards or ~~inadequate sanitation shall~~ which include, but are not be limited to, the following:

(1) Lack of adequate or defective ventilation.

(2) Dampness of habitable rooms.

(3) Infestation of insects, vermin or rodents.

(4) General dilapidation or improper maintenance.

~~(c)~~(b) Structural hazards shall include, but are not be limited to, the following:

(1) Defective or deteriorated flooring or floor supports.

(2) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(3) Members of ceiling, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.

~~(d)~~(c) Nuisance ~~shall include but not be limited to the following:~~ as defined in section 2002.

~~(1) Public nuisance known at common law or in equity jurisprudence.~~

~~(2) Whatever is dangerous to human life or is detrimental to health.~~

~~(3) Whatever renders air, food or drink unwholesome, or detrimental to the health of human beings.~~

~~(e)~~(d) Hazardous ~~e~~ Electrical hazards wiring which shall include, but are not be limited to, the following:

(1) All electrical equipment and installations ~~wiring except that which conformed that did not conform~~ with all applicable laws and regulations in effect at the time of its installation, ~~and which has not been maintained in good and safe condition, or and is not being used in a safe manner.~~

(2) Electrical conductors which are not protected by overcurrent protective devices designed to open the circuit when the current exceeds the ampacity of the conductor.

(3) Electrical conductors which do not have ampacity at least equal to the rating of outlet devices or equipment supplied.

(4) Electrical conductors which are not protected from physical damage.

(5) Metallic boxes, fittings, or equipment in an electrical wiring system which are not grounded to prevent shock.

~~(f)(e)~~ ~~Hazardous~~ Plumbing hazards which shall include, but are not ~~be~~ limited to, the following:

(1) All ~~p~~Plumbing ~~except that which conformed~~ did not conform with all applicable laws and regulations in effect at the time of its installation, and which has not been maintained in good or safe condition, and which is free of or has cross connections and/or siphonage between fixtures.

(2) Lack of effective "P" traps providing a water seal for each plumbing fixture.

(3) Lack of effective venting of plumbing drain piping.

(4) Broken, unsanitary or leaking plumbing, pipe or fixtures.

(5) Any fixture, fitting, device or connection installed in such a manner as to permit contamination of the potable water supply.

~~(g)(f)~~ Hazardous mechanical equipment which shall include, but are not ~~be~~ limited to, the following:

(1) All ~~m~~Mechanical equipment, including all heating equipment and its vent, ~~except that which conformed that did not conform~~ with all applicable laws and regulations in effect at the time of its installation and which has not been maintained in good and safe condition, and is not being used in a safe manner.

(2) Unvented fuel burning heating appliances.

(3) Heating or fuel burning equipment, including its vent, without adequate clearance from combustible material.

(4) Unsupported, loose, or leaking fuel supply piping.

~~(h)(g)~~ Faulty ~~W~~weather ~~P~~rotection, which shall include, but is not ~~be~~ limited to ~~the following~~: (4) ~~D~~deteriorated or ineffective waterproofing of exterior walls, roof, or floors, including broken windows or doors.

~~(i)(h)~~ Any recreational vehicle or portion thereof, device, apparatus, equipment, or combustible material which is in such a condition as to cause a fire or explosion.

(i) Materials or construction not allowed or approved by this chapter and those that have not been adequately maintained in good and safe condition.

(i) Those premises on which an accumulation of weeds, vegetation, rubbish, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(k) All recreational vehicles or portions thereof not provided with adequate exit facilities which conformed to all applicable laws, regulations and standards in effect at the time of their construction, or those facilities that have not been adequately maintained.

(l) Any other components of recreational vehicles or portions thereof that did not conform with all applicable laws, regulations and standards in effect at the time of their construction, or those components that have not been adequately maintained.

NOTE: Authority cited: Section 18865, Health and Safety Code. Reference: Sections 18866.3, 18866.5, 18871, 18871.10 and 18872, Health and Safety Code.

Adopt Proposed Section 1608 as Section 2608.

§ ~~1738~~ 2608. Substandard Mobilehome Accessory Buildings and Structures and Building Components.

Any mobile home accessory structure or building, or building component or portion thereof, or the premises on which the same is located, shall be deemed substandard and a nuisance when in which there exists any of the following listed conditions exist to an extent that endangers the life, limb, health, property, safety, or welfare of the occupants or the public, ~~or the occupants thereof shall be deemed and hereby is declared to be substandard.~~

~~(b)~~(a) Health hazards or inadequate sanitation ~~shall~~ which include, but are not be limited to, the following:

~~(1)~~ Improper When installed, inoperable or defective water closet, lavatory, bathtub or shower.

~~(12)~~(2) Improper When installed, inoperable or defective kitchen sink.

~~(2)~~ (3) When installed, inadequate hot and cold running water to plumbing fixtures.

~~(7)~~(4) Dampness of habitable rooms.

~~(8)~~(5) Infestation of insects, vermin or rodents.

~~(9)~~(6) General dilapidation or improper maintenance.

~~(10)~~(7) When installed, defective connection of plumbing fixtures to a sewage disposal system.

~~(11)~~ Lack of adequate garbage and rubbish storage removal facilities.

(b) Structural hazards, which shall include, but are not be limited to, the following:

(1) Deteriorated or inadequate foundations: or stabilizing devices.

(2) Defective or deteriorated flooring or floor supports.

(3) Flooring or floor supports of insufficient size to carry imposed loads with safety.

(4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.

(6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.

(8) Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration.

(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

~~(a)~~(4)(10) Improper operation of Lack of, or inoperable or defective required ventilating equipment.

~~(a)~~(5)(11) Lack of minimum amounts of required natural light and ventilation.

(c) ~~Any n~~Nuisance: as defined in section 2002.

(d) Electrical hazards shall include, but are not limited to, the following:

~~(d)~~(1) All electrical wiring ~~except that which conformed that did not conform~~ with all applicable laws and regulations in effect at the time of its installation, ~~and which has not been maintained in good and safe condition, or and is not being used in a safe manner.~~

~~(a)~~(6)(2) Lack of, or inoperable or defective required electrical lighting.

(e) ~~All p~~Plumbing except that which conformed did not conform with all applicable laws and regulations in effect at the time of its installation, ~~and which has not been maintained in good or safe condition, and which is free of or has~~ cross connections and siphonage between fixtures.

(f) ~~All m~~Mechanical equipment, including heating equipment and its vents, ~~except that which conformed that did not conform~~ with all applicable laws and regulations in effect at the time of its installation and which has not been maintained in good and safe condition, and is not being used in a safe manner.

~~(a)~~(3)(1) Improper Inoperable or defective heating facilities.

(g) Faulty ~~W~~Weather Protection, ~~which~~ shall include, but not be limited to, the following:

- (1) Deteriorated roofs.
- (2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.
- (3) Defective or lack of weather protection for exterior wall coverings.
- (4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.
- (h) Any ~~mobile home~~ accessory structure or building or building component or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
- (i) All ~~materials of~~ or construction except those which are specifically not allowed or approved by this article chapter and or which have not been adequately maintained in good and safe condition.
- (j) Those premises on which an accumulation of weeds, vegetation, rubbish, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health or safety hazards.
- (k) All ~~mobile home~~ accessory building or structures or building components or portions thereof not provided with adequate exit facilities as required by this ~~article~~ chapter except those buildings or portions thereof whose exit facilities conformed with all applicable laws and regulations in effect at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
~~When an unsafe condition exists through lack of, or improper location of exits, additional exits may be required to be installed.~~
- (l) All buildings, structures, or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this ~~article~~ chapter, except those buildings, structures, or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing system or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
- (m) All ~~mobile home~~ accessory buildings or structures or building components or portions thereof occupied for living, sleeping, cooking, or dining purposes which were not designed or intended to be used for such occupancies.
- (n) Room and space dimensions less than required by this ~~article~~ chapter.

NOTE: Authority Cited: Section 18865 Health and Safety Code. Reference: Sections 18866.3, 18866.5, 18871.3 and 18872, Health and Safety Code.

Adopt Section 2609.

§ 2609. Substandard Camping Cabins.

Any camping cabin shall be deemed substandard and a nuisance when any of the following conditions exist that endangers the life, limb, health, property, safety, or welfare of the occupants or the public.

- (a) Lack of an operational smoke detector.
- (b) Dampness of habitable rooms.
- (c) Infestation of insects, vermin or rodents.
- (d) General dilapidation or improper maintenance.
- (e) Structural hazards which shall include, but are not limited to, the following:
 - (1) Defective or deteriorated flooring or floor supports.

(2) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.

(3) Members of ceiling, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.

(4) Lack of adequate or defective ventilation.

(f) Nuisance as defined in section 2002.

(g) Electrical hazards which shall include, but are not limited to, the following:

(1) All electrical equipment and installations except that which conformed with all applicable laws and regulations in effect at the time of initial installation and which has been maintained in good condition.

(2) Electrical conductors that are not protected by overcurrent protective devices.

(3) Electrical conductors that are not protected from physical damage.

(4) Ungrounded metallic boxes, fittings, or equipment.

(5) When provided, inoperable or defective electrical lighting.

(h) Any plumbing installed in a camping cabin.

(i) Any mechanical equipment, excluding electric heating.

(j) Faulty weather protection which shall include, but is not limited to: deteriorated or ineffective waterproofing of exterior walls, roof, or floors, including broken windows or doors.

(k) Any camping cabin, or portion thereof, device, apparatus, equipment, or combustible material which is in such a condition as to cause a fire.

(l) All materials or construction except those which are specifically allowed or approved by this chapter or applicable provisions of law which have not been adequately maintained in good and safe condition.

(m) Those premises on which an accumulation of weeds, vegetation, rubbish, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions constitute fire, health, or safety hazards.

(n) All camping cabins or portions thereof not provided with adequate exit facilities.

(o) Improper or deteriorating support system.

NOTE: Authority Cited: Section 18865 Health and Safety Code. Reference: Sections 18866.3, 18866.5, 18871.3 and 18872, Health and Safety Code.

Adopt Proposed Section 1610 as Section 2610.

§ 2610. [1740] Abatement.

(a) The registered owner of a unit, ~~If a mobile home~~ or the owner of a camping cabin, accessory building or structure, or building component that is constructed, altered, converted, used, or maintained in a manner that constitutes a violation is required to abate the violation. of any provisions of, or of any order issued by the enforcement agency pursuant to this article, or if a nuisance exists in any such building or structure or upon the premises on which it is situated,

(b) The legal owner of the property, or park owner or operator for properties or permanent buildings under their ownership or control, that is constructed, altered, converted, used, or maintained in a manner that constitutes a violation, is required to abate the violation.

the enforcement agency may institute any appropriate action of proceeding to prevent, restrain, correct, or abatement the violation of nuisance.

NOTE: Authority cited: Section 18865 Health and Safety Code. Reference: Sections 18866.3, 18866.5, 18867, 18871, 18871.3, 18871.10 and 18872 Health and Safety Code.

Adopt Proposed Section 1611 as Section 2611.

§ 2611 ~~[1710]~~ Inspection and Notice of Violation and Orders to Correct.

(a)(1) Whenever the enforcement agency finds a condition that constitutes a violation of this chapter, the Health and Safety Code, or any other applicable provision of law, the enforcement agency shall provide a written notice to the person or entity responsible for correction of the violation.

(2) The written notice shall state the conditions which constitute the violation including a reference to the law or regulation being violated and shall order its abatement, or correction within 30 5 days after the date of notice, or a longer period of time as allowed by the enforcement agency.

(3) If a unit is in such condition that identification numbers are not available to determine ownership, the notice shall be given to the owner of the real property, or if located in a park the owner or operator of the park, where the unit is located.

(4) Whenever the enforcement agency determines a unit, habitable accessory building or structure, or permanent building constitutes an imminent hazard representing an immediate risk to the life, health, or the safety of an occupant, the enforcement agency shall post a notice on the structure, declaring it uninhabitable. The unit, habitable accessory building or structure, or permanent building shall not be occupied until deemed safe by the enforcement agency. At the time of the posting, the enforcement agency shall issue a notice as described in this section. A copy of the notice shall be issued to the occupant of the unit, or accessory building or structure, different from the registered owner, if different than the occupant.

NOTE: Authority cited: Sections 18865, Health and Safety Code. Reference: Sections 18866.3, 18866.5, 18871.10 and 18872 Health and Safety Code.

Adopt Proposed Section 1612 as Section 2612.

§ 2612 ~~[1712]~~ Proceedings. Final Notice Requirements.

(a) If the initial notice from of the enforcement agency has not been complied with on or before the expiration of 30 days after date of specified in the notice, the enforcement agency may institute proceedings against the cited person or entity for the abatement of the mobile home or recreational vehicle.

(b)(1) If The enforcement agency determines to proceed with the abatement, it shall issue give notice of intention to abate the mobile home or recreational vehicle as a public nuisance to the cited person, the last registered owner of a cited unit, and the park owner or operator, or the legal owner of the property where the cited unit, structure, or property is located, a final notice to abate that shall contain at least the following: not less than 10 days prior to such action.

(A) the date the notice is prepared;

(B) the name or names of the responsible person or entity;

(C) a list of uncorrected violation(s) cited;

(D) final compliance date;

(E) right to request an informal conference pursuant to section 2752 of this chapter;

(F) right to request a hearing pursuant to section 2613 of this chapter

(G) a statement that any willful violation is a misdemeanor under section 18874 of the Health and Safety Code.

~~The notice of intention to abate shall contain a statement of the hearing rights of the registered and legal owners of the mobile home or recreational vehicle and the owner of the land on which the mobile home or recreational vehicle is located.~~

~~The statement shall include notice to the property owner that he may appear in person at a hearing or may present a sworn written statement denying responsibility for the presence of the mobile home or recreational vehicle on the land, with his reasons for such denial, in lieu of appearing. The notice of intention to abate shall be mailed, by registered or certified mail, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record of the mobile home or recreational vehicle unless the mobile home or recreational vehicle is in such condition that identification numbers are not available to determine ownership. The notice of intention to abate may also be served by personal service at the discretion of the enforcement agency.~~

(2) The final notice shall be mailed, by registered or certified mail, return receipt requested, to the cited person, to the legal owner of the land property as shown on the last equalized assessment roll and to the last known address of the last registered and/or legal owner of record of the mobile home or recreational vehicle cited unit, unless the mobile home or recreational vehicle unit is in such condition that identification numbers are not available to determine ownership. The final notice may also be served by personal service at the discretion of the enforcement agency.

~~(c)(3) The officer or employee of the enforcement agency upon giving this final notice as aforesaid shall file an affidavit certifying to the time and the manner in which such that notice was given. He or she shall also file therewith with the affidavit, any receipt card which may have been returned to him or her in acknowledgement acknowledgment of the receipt of such that notice by registered or certified mail.~~

NOTE: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Section 18866.3, 18866.5, 18871.3, 18871.10, Health and Safety Code.

Adopt Proposed Section 1613 as Section 2613.

§ [1714] 2613 Request for Hearing, Notice of Time and Place for Hearing.

~~(a) Upon request for such a hearing the registered and/or legal owner of the mobile home or recreational vehicle, cited person or entity and the owner of the land on which the mobile home or recreational vehicle is located receiving a final notice of intention to abate a violation shall be granted a hearing on the matter before an authorized representative of the enforcement agency, or any other board, commission, or official authorized to conduct such the hearings if:~~

(1) This the request, pursuant to this article, shall be is made to the enforcement agency within 10 days after personal service or acknowledgement acknowledgment of receipt by mail of the final notice of intention to abate the mobile home or recreational vehicle.

~~If the owner of the land on which the mobile home or recreational vehicle is located submits a sworn written statement denying responsibility for the presence of the mobile home or recreational vehicle on his land within such time period, this statement shall be construed as a request for hearing which does not require the presence of the owner submitting such request. If such a request is not received within 10 days from the date of personal service or acknowledgement of receipt by mail of the notice, the enforcement shall have the authority to abate the mobile home or recreational vehicle.~~

~~(b) Upon receipt of a request for hearing from the cited person or entity, or sworn written statement by the owner of the land on which the mobile home or recreational vehicle is located denying responsibility for the presence of the mobile home or recreational vehicle on his land, the enforcement agency shall, within sixty (60)~~

days of receipt, hold-set a time and place for such the hearing. The enforcement agency shall provide the time and place of the hearing in a written notice to the petitioner within twenty (20) days of receipt of the request. and shall give the petitioner written notice thereof. Receipt of such the request for hearing from the cited person or entity, or statement by the owner of the land on which the mobile home or recreational vehicle is located, shall operate to delay postpone any judicial or administrative action by the enforcement agency until after the hearing.

(c) All procedures governing hearings related to maintenance violations are contained in article 11, commencing with section 1750.

(d) In the event that the violation constitutes an imminent hazard representing an immediate risk to life, health and safety of persons or property which requires immediate correction, no hearing shall not be permitted.

(e) If such a the request for hearing is not received within 10 days from the date of personal service or acknowledgement acknowledgment of receipt by mail of the notice, the enforcement agency shall have the discretion to continue abatement proceedings. authority to abate the mobile home or recreational vehicle.

NOTE: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Section 18871.10, Health and Safety Code.

Adopt Proposed Section 1615 as Section 2615.

§~~1615~~ 2615. Hearing.

(a) At the time and place of the hearing, fixed in said notice, the authorized representative of the enforcement agency, or other board, commission, or official authorized to conduct such hearings the hearing officer shall proceed to hear the testimony of and accept evidence from the officers or employees of the enforcement agency, and the legal owner of the property, or park owner or operator; the cited person; or his their respective representatives; and any other person with information or testimony relevant to the final notice to abate. The testimony shall be limited to respecting the condition of said mobile home or recreational vehicle the cited unit, structure, or property. Prior to the hearing, the enforcement agency shall provide all evidence supporting the abatement action, to the hearing officer, the estimated cost of its reconstruction, repair, or removal, and any other matter pertinent thereto.

(b) If the petitioner does not appear at the hearing, the enforcement agency shall have the authority to proceed immediately with abatement procedures.

(c) Upon the Within 10 days after conclusion of said that hearing, the board, commission or official conducting the hearing officer shall render a written decision in the matter, which sustains, modifies, or overrules the final notice to abate, and such findings shall be reported to the enforcement agency all parties to the hearing. If the decision sustains or modifies the final notice to abate, the hearing officer may establish new dates and schedules for compliance.

If said mobile home or recreational vehicle is found to be a nuisance the owner shall be ordered to abate the same within 30 days after the date of posting the order on the mobile home or recreational vehicle

(b)(d) At the discretion of the hearing officer, the enforcement agency shall post a copy of the written decision order to abate the mobile home or recreational vehicle as a nuisance in a conspicuous place on the property, on the mobile home or recreational vehicle. Such order shall be mailed to the owner of the property on which the mobile home or recreational vehicle is located, and to the last registered and legal owner of record of the mobile home or recreational vehicle or delivered by personal service in the same manner as set forth in Ssection 1712.

NOTE: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Section 18871.10, Health and Safety Code.

Adopt Proposed Section 1616 as Section 2616.

§[1720] 2616. Time to Bring Action.

Any cited person, owner, or other interested person having any objections, or feeling aggrieved at any proceedings taken by the ~~board, commission, or official~~ hearing officer conducting the hearing, or the enforcement agency in ordering abatement of any violation ~~nuisance~~, shall ~~being~~ bring an action in any court of competent jurisdiction within 30 days after receipt of the decision. ~~the date of posting of said order on the mobile home or recreational vehicle or receipt of such order; otherwise, all objections shall be deemed to have been waived.~~

NOTE: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Section 18871.10, Health and Safety Code.

Adopt Proposed Section 1617 as Section 2617.

§[1722] 2617. ~~Removal of Mobilehome or Recreational Vehicle.~~ Consequences of Failure to Abate.

(a) ~~It shall be~~ is unlawful for the person ordered to abate a ~~mobile home or recreational vehicle~~ as a nuisance violation to fail or refuse to remove and abate that violation ~~such mobile home or recreational vehicle~~ within 30 days ~~the time period allowed in the order~~ after the date of posting of said an order on the ~~mobile home or recreational vehicle~~ cited unit, structure, or property or receipt of such an order. After the expiration of said 30 days ~~the time period allowed for an order related to a violation~~, the enforcement agency shall ~~have~~ has the authority to initiate any appropriate action or proceeding to abate the mobile home or recreational vehicle violation, including but not limited to seeking a court order for abatement by a receiver or other person.

(b) If, after the reinspections of an order to correct a violation, the enforcement agency determines that the cited person has made reasonable progress to abate the violation, or that circumstances beyond the control of the cited person have interfered with compliance or slowed compliance, the enforcement agency, in its sole discretion, may extend the period for compliance.

(c) Notwithstanding the provisions of subdivision (a), if a violation poses an imminent hazard representing an immediate risk to life, health, and safety and requires immediate correction, the enforcement agency has the authority to initiate any appropriate action or proceeding to abate a violation if abatement is not complete within the time period allowed by the notice of violation and order.

NOTE: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Sections 18869 and 18871.10, Health and Safety Code.

Adopt Proposed Section 1618 as Section 2618.

§ [1724] 2618. Responsibility for Costs.

(a) The registered and/or legal owner of the mobile home or recreational vehicle unit, and the legal owner of the property or park shall be responsible for all costs for abatement of violations related to the unit, accessory buildings or structures, or violations on the unit's space attributable to the registered owner or occupant of the unit.

(b) The legal owner of the property, park, permanent building, accessory building or structure or building component shall be liable for all costs for abatement of the mobile home or recreational vehicle property, park, permanent building, accessory building or structure or building component, under their ownership or control.

(c) Costs of abatement, for purposes of this section, may include enforcement agencies investigative and case preparation costs, court costs and attorney fees, any physical actions taken to abate the violation, and any technical service or other fees due to the enforcement agency related to the abatement activity.

(d) If the mobile home or recreational vehicle unit, is in such condition that identification numbers are not available to determine ownership, or the enforcement agency is unable to locate the owner, the owner of the land property on which the mobile home or recreational vehicle unit, is located shall be liable for such costs.

NOTE: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Sections 18866.3, 18866.4, 18866.5, 18869 and 18871.10, Health and Safety Code.

Adopt Proposed Section 1619 as Section 2619.

§[1726] 2619. Removal.

(a) A ~~mobile home or recreational vehicle unit~~, permanent building, accessory building or structure or building component which has been ordered to be ~~abated as removed due to the existence of violations or a nuisance~~ shall be removed in a manner consistent with law. ~~to a scrap yard and scrapped. It shall not thereafter be reconstructed or made operable.~~

(b) A copy of the order to ~~abate a~~ remove a unit mobilehome accompanied by the titles, registration cards, license plates or decals, and the insignias or federal labels, if available, shall be forwarded to the Department. The Department of Motor Vehicles shall be sent the order to ~~abate~~ remove a recreational vehicle with all indicia noted above. The enforcement agency shall send the required information and indicia within five days after removal of a ~~mobile home or recreational vehicle unit~~.

NOTE: Authority cited: Sections 18865 and 18871.10, Health and Safety Code. Reference: Sections 18866.3, 18866.5, 18869 and 18871.10, Health and Safety Code.